



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,296	04/19/2004	Yasuhiko Tokimasa	8012-1145-2	9805

466 7590 04/13/2006

YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

EXAMINER

BAREFORD, KATHERINE A

ART UNIT	PAPER NUMBER
----------	--------------

1762

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/826,296

Applicant(s)

TOKIMASA ET AL.

Examiner

Katherine A. Bareford

Art Unit

1762

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,2,4-9 and 11-13.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE


8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 3. NOTE: (1) proposed new claims 14-16 raise new issues that require further consideration and/or search as they require new features as to the contact of lands with the web not previously claimed, (2) the amendment of claims 11 and 12 to insert the features of claim 2 raises new issues as these claims previously did not require such features, (3) the amendment of claim 1 to insert the features of claim 2 raises new issues as to the features of claim 13 which did not previously require such features.

Continuation of 11. does NOT place the application in condition for allowance because: (1) as to the request for withdrawal of finality, the Finality of the last Office Action is maintained. While subject matter was previously indicated as allowable, applicant also amended their claims in such as fashion as to raise new 35 USC 112 issues that changed the scope of the claims and which necessitated the rejection of all the claims including the claims previously indicated as allowable. While a new 35 USC 103 rejection was also provided, this was to claims that were changed in scope as discussed above. (2) As to the outstanding 35 USC 112 rejections, these are maintained as the proposed amendment is not entered. (3) As to applicant's arguments as to the 35 USC 103 rejections, as to applicant's arguments as to Mandai '584, the Examiner notes that (a) while applicant refers to Figure 1 of Mandai as showing the head against the web, Figure 1 does not show the lip lands of block 34 or 36 against the web and as shown in Figure 4, these have lands 34A and 36A, which provide the first and second lip lands. (b) as to Mandai teaching that the lip land is round, the Examiner notes at paragraph [0030], Mandai teaches that each of faces 34A and 36A, the lip lands, "may be formed like a flat face or an arched face", and thus the lip lands can be flat. (c) as to Tomaru showing the head against the web in Figure 1, this may be shown in the drawings, which as not necessarily to scale, but from a reading of Tomaru, as to the first and second lands, this would not be the case when coating, since coating is extruded from the slots and is not entirely scraped off. Therefore, the extruded coating remaining on the web must form a layer between the web and the lip lands. (d) as to the "flat face" of the lip lands in regard to Tomaru, this is provided by '432 as discussed in the rejection. (e) as to the argument that '432 teaches that the lip land contacts the web, the Examiner disagrees. As discussed in regard to Tomaru, the top lip land in '432 will not contact the web during coating, since coating is extruded from the slot and is not entirely scraped off.


KATHERINE BAREFORD
PRIMARY EXAMINER